

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: NITZ et al.

Serial No.: 10/524,162

Filed: June 17, 2005

For: COMPOUNDS, COMPOSITIONS AND METHODS...

Examiner: Kosack, Joseph R. Group: 1626

DOCKET: MICRODOSE 09.06 Confirmation No. 2828

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants wish to bring to the attention of the Patent Office prior art received in connection with Official Action in Applicants' corresponding Canadian application. Applicant also wishes to bring to the attention of the Patent Office, prior art received in connection with Applicant's related U.S. application (10/524,313) and issued patent 6,495,580. Attached is U.S. Patent Office Form PTO-1449, including copies of the prior art reference listed therein, and a copy of the Canadian Examiner's Requisition. Additionally, enclosed is a copy of a Search Report from the corresponding EPO patent application. The references cited are already of record. The claims in the present application are believed to be patentably distinguished over these references.

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This Information Disclosure Statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitute prior art or that it is the closest prior art, inasmuch as 37 CFT 1.56(A) relies on a materiality concept which depends on subjectivity.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of an Examiner's Requisition in which the reference was cited. The relevance to the pending U.S. patent application is that the reference was cited in a foreign patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the copy of the Examiner's Requisition submitted therewith.

This Information Disclosure Statement is being submitted at the time an RCE is being filed in this matter, therefore no fees are believed due.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being deposited with the United States Patent Office via the electronic filing procedure on December 22, 2010 at Tucson, Arizona.

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